REMARKS/ARGUMENTS

In response to the above-identified Office Action, Applicant has amended claims 1, 3, 8, 17, 18, and 19. Accordingly, claims 1-20 remain pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

Applicant has amended the specification on page 6 to correct a minor typographical error, as requested by the Examiner. Applicant also has amended the specification to include a serial number for the referenced patent application. Applicant respectfully submits that no new matter has been added by the amendments.

Further, Applicant has amended claim 3 to replace the "." with a "," as requested by the Examiner. Applicant has made a similar amendment to claim 19. Applicant respectfully submits that no new matter has been added nor has the scope of the claims been changed.

Applicant appreciates and respectfully acknowledges the Examiner's indication that claim 18 is objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant has amended claim 18 to be of independent form, including the limitations of its parent claim, claim 17. Thus, Applicant respectfully submits that claim 18 is in condition for allowance.

The Examiner rejected claims 1-5, 8-9, 13, and 17 under 35 U.S.C. 102(e) as being anticipated by Allen et al. ("Allen") and rejected claims 6-7, 10-12, 14-16, and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Allen in view of well-known prior art. Applicant respectfully disagrees with the rejections.

The present invention provides a digital media distributor (DMD) with tunable control of digital media data transmission that includes a distribution network, a central site system, and a

plurality of remote site systems. The central site system utilizes a plurality of designated control parameters, including uplink parameters, scheduler parameters, and storage parameters, for controlling distribution of digital media data. The plurality of remote site servers receive digital media data transmissions from the central site server via the distribution network according to the designated control parameters. In this manner, a plurality of control parameters are provided that allow tuning of distribution in a DMD according to particular transmission needs. The use of the control parameters enhances the flexibility of achieving optimal management of transmissions from a central site to remote sites. More particularly, data storage, scheduling, and uplink components are tuned through the control parameters.

Applicant has amended independent claims 1, 8, and 17 to more particularly recite that the designated control parameters are tunable limits, as described throughout the specification, including the parameter names and values description, as presented in conjunction with Figure 3. Applicant respectfully submits that the cited art of Allen fails to teach, show, or suggest the utilization of designated control parameters as tunable limits, as recited in the present invention.

In rejecting claims 1, 8, and 17 of the present invention, the Examiner relies on Figure 15 as teaching the tunable control aspect of the present invention, while pointing to col. 19, lines 45-57, for teaching the uplink parameters, to col. 19, lines 11-14, for teaching the scheduler parameters, and to col. 23, lines 12-34, for teaching the storage parameters. Figure 15 merely illustrates a file of break records returned from a schedule database based on a network and zone information used to query the database, as described in col. 33, lines 30-34. Applicant fails to see how storage and retrieval of data in a database teaches or suggests tunable control of digital media distribution by a central site through control parameters, as recited by the Applicant. Further, the so-called "parameters" in Allen pointed to by the Examiner merely indicate that playtime information, start time information, and full storage information are used in Allen's

system. However, there is nothing in the cited description of these pieces of information in Allen that indicates that they are tunable limits for controlling distribution of digital media data by a central site, as recited by the Applicant.

Additionally, given the deficiencies of Allen in failing to teach, show, or suggest the recited control parameters as tunable limits in a central site of a DMD system for controlling distribution of digital media data, Applicant respectfully submits that even the consideration of well-known prior art with Allen, as presented by the Examiner, would not result in any teaching or suggestion of the recited invention.

Accordingly, Applicant respectfully submits that independent claims 1, 8, and 17 are allowable over the cited art. Dependent claims 2-7 9-16, and 19-20 include the features of claims 1, 8, or 17, respectively, while adding further features, and thus, these claims are also respectfully submitted as allowable over the cited art for at least those reasons stated hereinabove.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 102(e) and 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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Date

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